

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-11 are currently pending. Claims 1, 3, and 8-10 are independent. The remaining claims depend, directly or indirectly, from claims 1, 3, and 10.

Drawings

In the Office Action dated September 4, 2008, the Examiner objected to the drawings, as indicated on the summary page, but the Examiner failed to provide any details to the objection. In Applicant's response dated February 25, 2009, Applicant requested that the Examiner accept the drawings in the next communication or issue a formal objection detailing any issues with the drawings as filed. The Examiner has since failed to provide any further guidance regarding the acceptance of or formal objection to the drawings. Applicant again requests that the Examiner accept the drawings in the next communication, or issue a formal objection detailing any issues with the drawings as filed.

Claim Amendments

Claims 1, 3, and 8-10 are amended to clarify aspects of the invention. No new matter is added by way of these amendments. Support may be found, for example, at least in FIG. 5 and corresponding text of the publication of the present application.

Examiner Interview

Applicant thanks the Examiner for the courtesies extended during the Examiner Interview on December 3, 2009. During the Examiner Interview, Applicant's representative discussed the claimed invention and the cited prior art, and the Examiner indicated that the proposed amendments should overcome the cited art and require a new search. At the close of the Examiner Interview, no agreement was reached. The Applicants have made amendments consistent with those discussed during the Examiner Interview, and encourage the Examiner to contact the Applicants further should clarification or additional information be required.

Rejection(s) under 35 U.S.C. § 102

Claims 1-11 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2005/0028206 ("Cameron"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

For anticipation under § 102, "[a] claim is anticipated only if *each and every element* as set forth in the claims is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) (emphasis added). Further, "[t]he identical invention must be shown in as complete detail as is contained in the claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). Applicants assert that Cameron fails to disclose each and every element of the amended independent claims.

Specifically, the claimed invention relates to multicasting offers for multimedia services in a transport stream bundle. *See* publication of present application, Abstract. In the claimed invention, there are multiple types of information that are *each* multicast to a *different* localization (IP address and port). The multiple types of information include offer information, stream information, and the multi-service transport stream itself. Each of these pieces of information is multicast to a *distinct localization*. Accordingly, (i) offer information is multicast to a predetermined offer localization known to the subscriber's set top box (STB); (ii) stream information is multicast to a service provider offer localization; and (iii) the transport stream is multicast in the form of IP packets to a stream localization. *See* publication of present application, paragraphs [0050]-[0057]. Applicant respectfully asserts that Cameron fails to disclose such distinct localizations that are used to multicast different pieces of information which are all needed in order for a subscriber's set top box to receive offers for multimedia services and obtain the transport stream corresponding to selected services from the bundle of transport streams.

Amended claim 1 recites, in part, that "each of the service provider offer localization comprises a first IP address and a first port and the stream localization comprises a second IP address and a second port, wherein the first IP address and the second IP address are different, wherein the first port and the second port are different, and wherein the first port and the second port are each configured to receive data transmitted over the IP multicast television network." Amended independent claims 3 and 8-10 include substantially similar limitations.

Turning to the rejection, Applicant respectfully asserts that the cited portions of Cameron fail to anticipate the amended independent claims. With respect to the two distinct localizations, *i.e.*, the service provider offer localization and the stream localization recited in independent claims 1, 3, and 8-10, Applicant respectfully asserts that Cameron fails to disclose both of these localizations as defined in the independent claims. In fact, the Examiner's argument confirms Applicant's assertion, as evidenced by the following statement by the Examiner:

“Cameron teaches that the multicasting the stream information at the offer localization to be the multicasting IPG related to data object (*e.g.*, stream information) from the *multicast address and port of the server* (*e.g.*, offer localization) where the network device uses to establish network connection to join the multicast group and access the file system (Cameron, [0066]) and that the stream information linking a multi-service transport stream and stream localization to be the IPG related data object (*e.g.*, stream information) linking the channel lineup (*e.g.*, multi-service transport stream) and IP *multicast address and port* (*e.g.*, stream localization) (Cameron, [0071]).” [Emphasis added.] *See* Action, pages 2 and 3.

In other words, the Examiner equates the *same* multicast address and port in Cameron with the stream localization and the offer localization of the claimed invention. The Examiner's assertion above proves that Cameron fails to disclose, at least, that “each of the service provider offer localization comprises a first IP address and a first port and the stream localization comprises a second IP address and a second port, wherein the first IP address and the second IP address are different, wherein the first port and the second port are different, and wherein the first port and the second port are each configured to receive data transmitted over the IP multicast television network,” as required by the amended independent claims. That is, as discussed during the Examiner Interview, Cameron fails to disclose the distinct types of localizations and that each distinct localization receives distinct

multicast information, as required by the amended claims. Thus, Applicant respectfully asserts that rejecting amended independent claim 1 would require the Examiner to read the recited claim limitations overly broad or mischaracterize the teachings of Cameron, both of which would be improper.

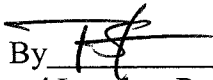
In view of the above, the Examiner's contentions fail to support an anticipation rejection of the amended independent claims. The pending dependent claims are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 11345/058001).

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Respectfully submitted,

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